



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Peery et al.

**Serial No.:** 10/645,293

**Filed:** August 20, 2003

**For:** SUSTAINED DELIVERY OF AN  
ACTIVE AGENT USING AN  
IMPLANTABLE SYSTEM

**Confirmation No.:** 7202

**Examiner:** J. Spear

**Group Art Unit:** 1615

**Attorney Docket No.:** ARC 2437 CON 6  
(3139-6185.6US)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail on the date of deposit shown below with sufficient postage and in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

October 27, 2004  
Date

*Doreen Neumann*  
Signature

Doreen Neumann  
Name (Type/Print)

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In compliance with the duty to disclose information material to patentability pursuant to 37 C.F.R. § 1.56, it is respectfully requested that this Supplemental Information Disclosure Statement be entered and the documents listed on attached Form PTO-1449 or PTO/SB/08 be considered by the Examiner and made of record. Copies of the listed documents are enclosed pursuant to 37 C.F.R. § 1.98(a).

In accordance with 37 C.F.R. § 1.97(g) and (h), filing of this Supplemental Information Disclosure Statement is not to be construed as a representation that a search has been made or an admission that the information cited herein is, or is considered to be, material to patentability as

defined in 37 C.F.R. § 1.56(b). Further, no representation is made by Applicants herein that no other possible material information as defined in 37 C.F.R. § 1.56 (b) exists.

U.S. Patent Documents

<u>U.S. Patent No.</u>	<u>Publication Date</u>	<u>Patentee</u>
US - 3,732,865	05/15/1973	Higuchi et al.
US - 4,249,531	02/10/1981	Heller et al.
US - 4,340,054	07/20/1982	Michaels
US - 5,057,308	10/15/1991	Hill et al.
US - 5,152,993	10/06/1992	Bjursten et al.
US - 5,716,406	02/10/1998	Farber
US - 6,261,584 B1	07/17/2001	Peery et al.

Foreign Patent Documents

<u>Document No.</u>	<u>Publication Date</u>	<u>Patentee</u>
0 373 867 A1	06/20/1990	Magruder et al.
0 627 231 A2	05/05/1993	Balaban et al.

Other Documents

International Search Report, dated 17 June 1997.

Applicants offer to supply any explanation or discussion of the documents which the Examiner feels is necessary or desirable and which is requested.

This Supplemental Information Disclosure Statement is filed after the mailing date of the first Office Action on the merits.

Serial No. 10/645,293

The fee pursuant to 37 C.F.R. § 1.17(p) is enclosed.

Respectfully submitted,



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Date: October 27, 2004

ERC/dlm:dn

Enclosures: Form PTO-1449 or PTO/SB/08

Copy of documents cited

Check No. 6852 in the amount of \$180.00

Document in ProLaw

Substitute for form 1449A/

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet	1	of	2
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*Complete if Known*

Application Number	10/645,293
Filing Date	August 20, 2003
First Named Inventor	Peery et al.
Group Art Unit	1615
Examiner Name	J. Spear
Attorney Docket Number	ARC 2437 CON 5 (3139-6185.6US)

## U.S. PATENT DOCUMENTS

[illegible]

## FOREIGN PATENT DOCUMENTS

[illegible]

Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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PTO/SB/08B(10-01)

Approved for use through 10/31/2002. OMB 0651-0031

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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

2

of

2

**Complete if Known**

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10/645,293

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First Named Inventor

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Group Art Unit

1615

Examiner Name

J. Spear

Attorney Docket Number

ARC 2437 CON 5 (3139-6185 6US)

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		International Search Report, dated 17 June 1997.	

Examiner  
Signature

Date

Considered

\* EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

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